

1 **ROUTH CRABTREE OLSEN, P.S.**  
2 3535 FACTORIA BLVD. SE, SUITE 200  
3 BELLEVUE, WA 98006  
TELEPHONE (425) 458-2121  
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Honorable Judge Randall L. Dunn  
Chapter 13

4 **IN THE UNITED STATES BANKRUPTCY COURT**  
5 **DISTRICT OF OREGON**

6 In re:

7 Eugene Tyrone Alwine and  
8 Bobbi Lee Alwine,

9 Debtors.

Case No. 09-39313-rld13

**OBJECTION TO CONFIRMATION**  
By WELLS FARGO BANK, NA, ITS  
SUCCESSOR IN INTEREST, AGENTS,  
ASSIGNEES AND/OR ASSIGNORS

10 COMES NOW Wells Fargo Bank, NA, its successor in interest, agents, assignees and/or  
11 assignors, ("Creditor"), and objects to confirmation of Eugene Tyrone Alwine and Bobbi Lee Alwine's  
12 ("Debtor" collectively hereafter) proposed Chapter 13 plan (the "Plan").

13 **I. BACKGROUND**

14 On or about October 10, 2007, Eugene Tyrone Alwine and Bobbi Lee Alwine, executed and  
15 delivered a Promissory Note ('Note') in favor of Sierra Pacific Mortgage Company, Inc. in the original  
16 principal amount of \$360,000.00. This Note was secured by a Deed of Trust ('Deed') encumbering real  
17 property commonly described as 28281 S. Dalmation Mulino, OR 97042 ('Property').

18 The outstanding principal balance due on the Note as of filing was approximately \$352,877.88. As of  
19 the same date the loan was contractually due for the July 1, 2009 payment. See Creditor's proof of claim for  
20 exact amounts. The pre-petition arrears, including payments, late charges, escrow advances and accrued fees  
and costs are \$14,156.68 as detailed in Creditor's proof of claim.

21 **II. AUTHORITY AND ARGUMENT**

22 Creditor objects to confirmation of the proposed Chapter 13 plan because the plan does not provide for  
23 cure of the pre-petition loan arrearage claim. Pursuant to 11 U.S.C. § 1322 (b)(5), the plan must provide for  
24 the cure of an existing default within a reasonable time. As stated above, the pre-petition loan arrearage claim  
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1 is \$14,156.68. The debtors must provide for cure of the loan arrearage claim. Should the Debtor be unable to  
2 cure the arrearage immediately outside the Plan, the Plan must be amended to provide for the arrearage.

3 WHEREFORE, Creditor respectfully requests the Court deny confirmation of the proposed Chapter  
4 13 plan.

5 DATED January 26, 2010.

6 **ROUTH CRABTREE OLSEN, P.S.**  
7 ATTORNEYS AT LAW  
8 Attorneys for Creditor

9 /s/ Jennifer Aspaas  
10 By: Jennifer Aspaas, OSB #032357  
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The Honorable Judge Randall L. Dunn

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re:

Eugene Tyrone Alwine and  
Bobbi Lee Alwine,

Chapter 13 Bankruptcy

No.: 09-39313-rld13

CERTIFICATE OF MAILING

Debtors.

CERTIFICATE OF MAILING

I hereby certify under penalty of perjury under the laws of the State of Washington that I mailed a true and correct copy of the Objection to Confirmation postage pre-paid, regular first class mail on the 26<sup>th</sup> day of January 2010, to the parties listed on the attached exhibit.

DATED this 26<sup>th</sup> day of January 2010.

/s/ Tara Fairchild  
Assistant to Attorney

1  
2 Eugene Tyrone Alwine  
3 28281 S. Dalmation Rd.  
4 Mulino, OR 97042

5 Bobbi Lee Alwine  
6 28281 S. Dalmation Rd.  
7 Mulino, OR 97042

8 TODD TRIERWEILER  
9 4721 Northeast 102nd Avenue  
10 Portland, OR 97220

11 Brian D. Lynch  
12 Chapter 13 Trustee  
13 1300 Southwest 5th, #1700  
14 Portland, OR 97201

15 Columbia River Bank  
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